

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA ex rel.,)	
ESTATE of JOHN TIMOTHY DONEGAN,)	
)	
Plaintiff and Relator,)	
)	
v.)	No. 4:12-CV-0876-DGK
)	
ANESTHESIA ASSOCIATES OF)	
KANSAS CITY, PC,)	
)	
Defendant.)	

ORDER DENYING MOTION TO STRIKE FILINGS

This is a *qui tam* lawsuit in which Relator, the Estate of John Donegan (“Relator”) claims Defendant Anesthesia Associates of Kansas City, P.C., (“Defendant”) defrauded the United States by submitting false claims for reimbursement. The Relator, John Donegan (“Donegan”), passed away on December 15, 2014. After he passed, but before the probate court appointed his wife as the administratrix of his estate and this Court granted the estate’s motion to substitute, counsel for Relator made several filings in this case. These filings included two motions for summary judgment and supporting briefing (Docs. 236-240).

Defendant has now filed a motion to strike these filings (Doc. 244), arguing that counsels’ attorney-client relationship with Donegan terminated at his death, and counsel could not file additional motions after he passed. In response, Relator’s counsel, which was retained by both Donegan and his estate, argues they expected the Court to approve the motion for substitution and did not want to delay the briefing schedule by requesting an unnecessary continuance. Counsel adds Defendant has not been prejudiced or suffered any delay as a result.

This case is not analogous to the Eighth Circuit case cited by Defendant in support of its motion, *In re Johnson*. In that case, after the client’s death, the attorney had not been appointed

as the estate's attorney. 402 B.R. 313, 314 (B.A.P. 8th Cir. 2009). In this case, the estate has continued to retain counsel's services in this matter. Additionally, Defendant has not been prejudiced or delayed. In fact, by timely filing the above motions, counsel has kept this case moving and prevented unnecessary delay.

Consequently, Defendant's motion (Doc. 244) is DENIED.

IT IS SO ORDERED.

Date: May 14, 2015

/s/ Greg Kays
GREG KAYS, CHIEF JUDGE
UNITED STATES DISTRICT COURT